

REMARKS

Applicant respectfully requests reconsideration of the pending claims.

The office action objected to claim 5 as being indefinite. In response, to correct this typographical error, the applicant has amended claim 5 to depend from claim 4. The applicant wishes to thank the examiner for noticing this error.

The office action rejected claims 1-5 and 15-18 under 35 USC 102(b) as being anticipated by US Patent Number 5,919,548 (Barron et al., hereinafter "Barron").

In summary, amended claim 1, which essentially is original claim 2 as filed, is directed to a method of forming a surface micromachined MEMS device having both circuitry and structure. Among other things, the method deposits a conductive path on an insulator that was applied to a substrate. This conductive path connects between the circuitry and structure. Barron does not teach such a process.

In making the rejection, page 4 of the office action suggests that elements 20 (shown in Figure 4C) connects structure 200 with circuitry 300. Applicant wishes to point out, however, that Barron defines elements 20 as "first-level functional elements" of the MEMS device. First level functional elements 20, however, are MEMS structure (for example, see lines 50-59 column 7, which state that the first-level functional elements 20 may form an electrostatic comb actuator or sensor). The figures in Barron merely show them as blocks apparently to simplify the drawings—not to suggest that they act as conductive paths. Instead, they are end points (i.e., structure) and not interconnect devices. As such, if they are to connect with the circuitry 300, the functional elements 20 themselves require conductive paths. Accordingly, amended claim 1 is allowable in view of the cited art. Moreover, dependent claims 3-8 also are allowable for the same reasons.

In a manner similar to claim 1, claim 15 also defines a method that connects a conductive path (formed on an insulator that was formed on a substrate) between circuitry and structure. Accordingly, claim 15 is allowable for the same reasons as

discussed above with regard to claim 1. Moreover, dependent claims 16-19 also are allowable for the same reasons.

The application thus is in condition for allowance and such action is earnestly solicited. Applicant requests that the examiner contact applicant's attorney, Steven Saunders, if he disagrees with the reasons stated above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "St. Saunders", written in a cursive style.

Steven G. Saunders
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